

**CITY OF ABSECON**

**ORDINANCE 12-2016**

**AN ORDINANCE AMENDING CHAPTER 320 OF THE CODE OF THE CITY  
OF ABSECON REGARDING TOWING**

**WHEREAS**, the Council of the City of Absecon periodically reviews certain ordinances and makes appropriate amendments and modifications thereto; and

**WHEREAS**, the Council is desirous of amending the Towing Ordinance to clarify permissible charges for activities such as winching;

**WHEREAS**, the Council further wants to clarify that storage charges may not be imposed for motor vehicles held at the directions of a police or firefighting authority; and

**WHEREAS**, modifying the Towing Ordinance will allow city officials, towing companies and the general public to more fully understand charges to be imposed for certain services performed by towing companies; and

**WHEREAS**, such amendments would be a benefit to the health, safety and welfare of the traveling public to more fully understand charges to be imposed for certain services performed by towing companies; and

**NOW THEREFORE, BE IT ORDAINED**, by the Municipal Council of the City of Absecon, County of Atlantic and State of New Jersey that Chapter 320 of the Code of the City of Absecon shall be amended as follows:

**Section 1** - Section 320-6E shall be amended by added the following language at the end of said section:

Notwithstanding anything in this section to the contrary, no fee for storage may be levied against the owner of any vehicle that is being held or stored due to an order of law enforcement or firefighting agency during the time period that such order is in effect. Once the order has been lifted, the Absecon Police Department shall send a certified letter to the owner of the vehicle notifying that individual or entity that the order has been lifted. Storage charges may be imposed at the rates set forth in this chapter beginning on the fourth day after the date the certified letter has been acknowledged as received by owner or someone acting on his behalf.

**Section 2** – There shall be added a Section 320-6F of the Code of the City of Absecon which shall read as follows:

Additional Fees: Fees may be charged by the towing company, regarding vehicles that have been involved in accidents, for the use of oil dry, towing overturned vehicles, towing vehicles out of the water or marsh, winching, which shall be charged only for time when the actual winching occurs and must be charges and documented in 30 minute intervals and for standby or waiting time for serious or fatal motor vehicle accidents or when the tow truck has to remain on the scene for an extended period of time while police are investigating. Such waiting time can only be charged after the first 15 minute period has expired since the tow truck arrival. After said 15 minute period has expired, waiting time must be charged and documented in 15 minute intervals.

**Section 3 – Repealer.** Any Ordinance or any part of an ordinance which is inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such inconsistency.

**Section 4 – Effective Date.** This Ordinance shall take effect upon final adoption and publication pursuant to law.

**Section 5 – Severability.** If any section, part or term of this ordinance is ruled invalid by a body of competent jurisdiction, the same shall be severed from the ordinance as a whole and the remaining portions of the ordinance shall remain in full force effect.

**DATED: June 2<sup>nd</sup>, 2016**

**SIGNED: \_\_\_\_\_**  
**John R. Armstrong, Mayor**

**ATTEST: \_\_\_\_\_**  
**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on May 21<sup>st</sup>, 2016. Laid over and advertised for public hearing and final adoption on June 2<sup>nd</sup>, 2016. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on June 2<sup>nd</sup>, 2016.